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GOING TELEGRAM Department of State

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ACTION: Amembassy QUITO
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IMMEDIATE 143
VERBATIM TEXT

66/H

DEPTEL 134.

You authorized deliver following proposed memorandum which if accepted by Foreign Minister would constitute basis modus vivendi acceptable to USG on fisheries dispute.

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QUOTE. With regard to our recent conversations I have the honor to set forth the following understanding of my Government concerning the exercise of fisheries jurisdiction by the Government of Ecuador pending the resolution of certain points of difference remaining and the negotiation of a fisheries agreement between the two Governments:

(1) The GOE will undertake not to interfere with U.S. vessels fishing seaward of the line proposed by the GOE as set forth in the annex hereto. The USG will not object to the application of GOE licensing requirements inside a line 12 miles from the sinuosities of the coastline of the mainland and of the Galapagos Islands.

(2) Pending further negotiation regarding the delineation of

9/12/63
ARA:WST:E:JEKarkashian/mg

Telegraphic transmission and classification approved by:

G - Mr. Johnson

U/PW - Mr. Taylor
L - Mr. Yingling
Interior (FWS) - Mr. Terry

ARA - Mr. Cottrell
WST - Mr. Belcher

S/S - Jeanne Davis

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of a restricted fishing zone off the port of Manta and in the interests of reaching agreement on a modus vivendi on other aspects of this problem, the USG has been assured by representatives of U.S. tuna fishermen that they will not fish in an area off Manta extending seaward for a distance not to ~~exceed~~ ^{exceed} 12 miles from the sinuosities of the coastline and bounded on the north by a line extending due west from Pta. Bellaca and on the south by a line extending northwest from Pta. San Mateo. In light this assurance, USG will not object to GOE enforcement of prohibition against U.S. fishing in aforementioned twelve-mile fishing zone.

In the interim both Governments will make every effort to avoid incidents in the disputed area beyond the twelve-mile limit. ~~(S) (U) (C) (S) (U) (C)~~ You may orally inform FOMIN USG will make every effort to induce U.S. fishing vessels voluntarily to stay out of the disputed zone off Manta. USG would like GOE assurances that it will undertake in the interim to warn rather than detain U.S. fishing vessels that may enter this zone for purposes of fishing. ~~XXXXXX~~

(3) The GOE will issue licenses through its Consulates to any U.S. vessel without limitation as to number for a fee of \$10 per net registered ton. Each license shall be valid for a period of 150 days or two voyages whichever is completed first.

(4) The

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(4) The GOE will issue licenses to U.S. vessels upon application by radio to GOE consuls at Los Angeles or Balboa. In order to prevent abuses any license issued by radio will not become valid until twenty-four hours after issuance.

(5) The GOE will also issue licenses at the Ecuadorean ports of Esmeraldas, Manta, Salinas and San Cristobal in which case a 20 percent surcharge on the license fee will be required. U.S. fishing vessels will obtain prior permission by radio to enter these ports for this purpose. The aforementioned surcharge will be assessed in lieu of all entry and clearance fees or other port charges. (You may orally inform Formin that in order to make this alternative meaningful the U.S. fishing industry has offered to give the GOE radio sets capable of voice transmission since most Ecuadorean ports do not have such facilities available making GOE proposed prior request for permission to enter port impractical).

(6) The USG has been assured by the U.S. industry that it will refrain from fishing within zone in the Gulf of Guayaquil landward of line drawn between Pta. Piedras del Morro and Pta. Salinas (Puna). The USG will not object to GOE enforcement prohibition on U.S. fishing in this zone or in zone landward of line drawn between Pta. Salinas (Puna) and Pta. Payana. (You should inform Formin Question of U.S. bait

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bait fishing in these zones reserved for future resolution.)

(7) The GOE will issue matriculas through GOE Consulates for a fee of \$200. These matriculas will remain valid for a period of 12 months from date of purchase.

(8) The GOE will permit U.S. fishing vessels upon detention to use their own radio facilities for at least one opportunity for the Master to contact his principals under supervision of a GOE Naval officer. Any subsequent communications shall be made with the use of radio facilities approved by GOE Naval authorities. (FYI This point was checked out specifically with tuna industry which is adamant that they must have one opportunity make voice contact with owner following seizure. This most important from psychological standpoint since crews' families would have more immediate knowledge of development and crews' welfare. If GOE concerned that seized vessel might warn other vessels of patrol boat presence, could be pointed out to GOE that any such warning would probably be made prior to boarding of vessels anyway. Hence no need restrict radio use because of this factor END FYI.)

(9) The GOE will enforce its fisheries jurisdiction only with GOE naval personnel on GOE naval vessels.

(10) In event of detention of a U.S. vessel the GOE will seek on the

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the spot settlement of any dispute re the location of the detained vessel by means of a joint determination of vessel's position.

Detained U.S. vessels will be permitted to anchor immediately whenever possible.

(11) The GOE will take into account the problem of drift due to prevailing currents in enforcing its license requirements and the cited zones closed to fishing.

(12) The GOE recognizes the right of innocent passage subject to mutually acceptable safeguards against possible abuses which will be worked out in further discussions.

(13) The foregoing modus vivendi is without prejudice to the position of either Government as to the breadth of the territorial sea or of exclusive fisheries limits. UNQUOTE.

FYI: Re annex to Memorandum which Embassy should prepare on coordinates delimiting GOE proposed fisheries zone, these coordinates should be modified as necessary by use of a modern chart. Also as regards southern portion of GOE proposed zone following modification should be made: Omit coordinates 32 and 33 and extend line from coordinate 31 in southeasterly direction until intersects with line delimiting Ecuadorean-Peruvian waters. Latter change designed to avoid possible dispute with Peru over US-Ecuadorean agreement.

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Upon receipt your notification that GOE agrees foregoing as basis modus vivendi Department will immediately notify industry reps and as soon as possible will arrange a meeting with interested West Coast Congressional group possibly including representatives of the industry for the purpose not only of explaining modus vivendi but ~~for~~ also of impressing on both groups the necessity of avoiding publicity.

Request you forward copies memoranda exchanged soonest. End
FYI.

GP-3

End

NOTE: Pouched by OCT

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